

ORIGINAL

AO 241 (Rev. 09/17)

4-22CV-874-0

U.S. DISTRICT COURT NORTHERN DISTRICT OF TEXAS FILED SEP 27 2022 CLERK, U.S. DISTRICT COURT By: <i>SAW</i> Deputy

PETITION UNDER 28 U.S.C. § 2254 FOR WRIT OF
HABEAS CORPUS BY A PERSON IN STATE CUSTODY

United States District Court	District: NORTHERN	FORT WORTH - DIVISION
Name (under which you were convicted): Donnie Earl Phillips Jr.	Docket or Case No.: 1524914D	
Place of Confinement : Tarrant County Jail	Prisoner No.: 0518336	
Petitioner (include the name under which you were convicted) Donnie Earl Phillips Jr.	Respondent (authorized person having custody of petitioner) v. Tarrant County Sheriff's Dept. Tarrant County Judicial System Tarrant County Jail, Fort Worth	
The Attorney General of the State of: TEXAS		

PETITION

1. (a) Name and location of court that entered the judgment of conviction you are challenging:

Criminal District Court #1 of Tarrant County, Texas

(b) Criminal docket or case number (if you know): **1524914D**

2. (a) Date of the judgment of conviction (if you know): **4/8/2019**

(b) Date of sentencing: **4/8/2019**

3. Length of sentence: **12/14/2017 to 4/8/2019 - illegal prosecution (out of jurisdiction)**

4. In this case, were you convicted on more than one count or of more than one crime? ☐ Yes ☒ No

5. Identify all crimes of which you were convicted and sentenced in this case: **DWI allegation
blind sided, coerced, impaired method by counsel to conspire
illegal prosecution "Out of Jurisdiction" from beginning - Face Attack
on subject matter jurisdiction neglected and continued illegal
prosecution - malice practice set aside illegally for future illegal
prosecutions see attachments on 1524914D. same illegal instruments
as 1168221, 1167265 (Granted Relief in 1107 Pro Se Habeas Corpus see attached**

6. (a) What was your plea? (Check one)

☐ (1) Not guilty ☐ (3) Nolo contendere (no contest)
☒ (2) Guilty ☐ (4) Insanity plea

you plead guilty to and what did you plead not guilty to? illegal enhancement, illegal sentence due to 0930525 09106761 see attached pages - ineligible, unlawful instruments, tampering/tainted charge/conviction. Blind sided-coercion. Out of Jurisdiction Prosecution Face Attack subject matter intentionally neglected by the courts

N/A ☐ Jury ☐ Judge only

☐ Yes ☒ No

☐ Yes ☒ No

(a) Name of court: N/A

(b) Docket or case number (if you know): N/A

(c) Result: N/A

(d) Date of result (if you know): N/A

(e) Citation to the case (if you know): N/A

(f) Grounds raised: N/A

If yes, answer the following:

(1) Name of court: United States District Court Northern District of Texas Ft. Worth

(2) Docket or case number (if you know):

(3) Result: unknown please see attached additional pages
civil cases (claims) pending

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- (4) Date of result (if you know): unknown
- (5) Citation to the case (if you know): unknown
- (6) Grounds raised: Deprivation of Rights Under Color of Law, Fundamental Error, Malicious Prosecution, Traditional Actual Awareness of Risk, Civil Conspiracy, Wrongful Imprisonment, False Arrest, Illegal sentence and Prosecution, Tampering

(h) Did you file a petition for certiorari in the United States Supreme Court? ☐ Yes ☒ No

If yes, answer the following:

- (1) Docket or case number (if you know): N/A
- (2) Result: N/A
- (3) Date of result (if you know): N/A
- (4) Citation to the case (if you know): N/A

10. Other than the direct appeals listed above, have you previously filed any other petitions, applications, or motions concerning this judgment of conviction in any state court? ☒ Yes ☐ No

11. If your answer to Question 10 was "Yes," give the following information:

- (a) (1) Name of court: Court of Criminal Appeals, Tarrant County Courts, USDC Northern Ft. Worth, Court of Appeal Fifth Circuit
- (2) Docket or case number (if you know): unknown, 1168221, 1167265
- (3) Date of filing (if you know): 12-20-21, 7-25-22, 7-19-22, 8-17-22
- (4) Nature of the proceeding: 11.07 Pro Se WRIT OF HABEAS CORPUS, MANDAMUS, other previous motions, etc. relinqusht, certiorari filed 8/17/22 USDC Northern Ft. Worth
- (5) Grounds raised: Malicious Prosecution, Fabricated Fraudulent Indictment, illegal and unlawful practice, Actual malice, Defect Indictment (1735416 1635835), Ineligible instruments/charges/convictions applied multiple times illegally, Malice Proximate Causation Damages, Double Jeopardy of 5th Amendment and Deprivation of Rights Under Color of Law, Tampering with Evidence, False Arrest-Wrongful Imprisonment, Actual Innocence of 3rd or more DWI felony Repetition. (see additional pages for actual documents and details), WRIT OF MANDAMUS

(6) Did you receive a hearing where evidence was given on your petition, application, or motion?

☐ Yes

☒ No

(7) Result: In reference to Relief Granted in Pro Se WRIT 11.07 See Ex parte Donnie Earl Phillips Jr. it was said I was to have hearing though court appointed lawyer illegally without consent was present violating my rights and affirming civil conspiracy please see civil suits claims Malicious Prosecution is heavily transpiring please investigate. I... never attended hearing, nor gave consent to anyone Page 4 of 16 it was a "Pro Se WRIT (Personal)"

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(8) Date of result (if you know): unknown see 11(a) and additional pages

(b) If you filed any second petition, application, or motion, give the same information:

(1) Name of court: N/A see 11(a) and additional pages(2) Docket or case number (if you know): N/A(3) Date of filing (if you know): N/A(4) Nature of the proceeding: N/A(5) Grounds raised: N/A

(6) Did you receive a hearing where evidence was given on your petition, application, or motion?

☐ Yes ☒ No(7) Result: N/A(8) Date of result (if you know): N/A unknown see 11(a) and additional pages

(c) If you filed any third petition, application, or motion, give the same information:

(1) Name of court: N/A see 11(a) and additional pages(2) Docket or case number (if you know): N/A(3) Date of filing (if you know): N/A(4) Nature of the proceeding: N/A(5) Grounds raised: N/A

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(6) Did you receive a hearing where evidence was given on your petition, application, or motion?

☐ Yes ☒ No(7) Result: N/A Blind sided by Attorney working for state J. Eric Nickols(8) Date of result (if you know): N/A

(d) Did you appeal to the highest state court having jurisdiction over the action taken on your petition, application, or motion?

(1) First petition: ☒ Yes ☐ No(2) Second petition: ☐ Yes ☐ No(3) Third petition: ☐ Yes ☐ No

(e) If you did not appeal to the highest state court having jurisdiction, explain why you did not:

Lame man at law lacking complete knowledge and assistance is limited, state of Texas Tarrant County have secretly conspired against applicant

12. For this petition, state every ground on which you claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

CAUTION: To proceed in the federal court, you must ordinarily first exhaust (use up) your available state-court remedies on each ground on which you request action by the federal court. Also, if you fail to set forth all the grounds in this petition, you may be barred from presenting additional grounds at a later date.

GROUND ONE: Malicious Prosecution-Fabricated Fraudulent Indictment, illegal/unlawful practice-Actual Malice, Defect Indictment 1735446/VOID 1635835

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

Ground One Supporting Facts is attached TITLED GROUND*1 due to not enough space in this area - total of 3 pages

(b) If you did not exhaust your state remedies on Ground One, explain why: Lame man to the law and procedures without effective counsel in favor.

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(c) **Direct Appeal of Ground One:**(1) If you appealed from the judgment of conviction, did you raise this issue? ☐ Yes ☒ No(2) If you did not raise this issue in your direct appeal, explain why: Lame man to law
and procedures(d) **Post-Conviction Proceedings:**

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

☒ Yes ☐ No

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: 11.07 WRIT OF HABEAS CORPUS (PROSE) see Attached additional pagesName and location of the court where the motion or petition was filed: Court of Criminal Appeals Texasconfirmed wrongful sentence(s) and granted ReliefDocket or case number (if you know) Ex Parte Donnie Earl Phillips Jr. Cause No. C-371-W012124-1168221
C-371-W012125-1167265Date of the court's decision: 6.29.22 mandated 7-25-22Result (attach a copy of the court's opinion or order, if available): see attachedRelief granted yet Re indicted unconstitutionally and still
held against will in malicious prosecution out of jurisdiction(3) Did you receive a hearing on your motion or petition? ☐ Yes ☒ No(4) Did you appeal from the denial of your motion or petition? ☐ Yes ☒ No(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal? ☐ Yes ☒ No

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: NA NOTE Blind sided by
Attorney working for courts without consent J. ERIC NICKOLS No consent to
Represent nor
is it lawful for him
on case, civil conspiracyDocket or case number (if you know): NADate of the court's decision: N/AResult (attach a copy of the court's opinion or order, if available): N/A unknown

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

N/A

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(e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground One: HABEAS CORPUS, several Motions to Convicting Court, WRIT OF MANDAMUS, Motion Attacking Subject Jurisdiction At Face which was neglected, etc.

GROUND TWO: Ineligible instruments/charges/convictions applied multiple times illegally - Malice - Proximate causation Damages

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

Supporting Facts Are Attached in Additional pages Titles "Ground TWO" - total of 3 pages * NOT ENOUGH ROOM IN THIS AREA *

(b) If you did not exhaust your state remedies on Ground Two, explain why: Lame man to the law and procedures without effective counsel in favor

(c) **Direct Appeal of Ground Two:**

(1) If you appealed from the judgment of conviction, did you raise this issue? ☐ Yes ☒ No

(2) If you did not raise this issue in your direct appeal, explain why: Lame man at law and procedures, no proper assistance due to hidden motives of ill will and malice to harm applicant continuously

(d) **Post-Conviction Proceedings:**

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

☒ Yes ☐ No

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: 11.07 WRIT OF HABEAS CORPUS PROSE ^{see attached} Additional pages

Name and location of the court where the motion or petition was filed: Court of Criminal Appeals Texas
Confirmed wrongful sentence(s) and granted Relief

Docket or case number (if you know): Ex Parte Donnie Earl Phillips Jr. cause No# ^{C-371-W012124-1168221} C-371-W012125-1167265

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Date of the court's decision: 6-29-22 mandated 7-25-22
 Result (attach a copy of the court's opinion or order, if available): See attached - Relief Granted yet Reindicted unconstitutionally and still held against will in malicious prosecution out of jurisdiction

(3) Did you receive a hearing on your motion or petition? ☐ Yes ☒ No

(4) Did you appeal from the denial of your motion or petition? ☐ Yes ☒ No

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal? ☐ Yes ☒ No

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: N/A ^{NO CONSENT} J. Eric Nickols did not represent me in Prose' Writ and continues to illegally tamper and blind side

Docket or case number (if you know): N/A

Date of the court's decision: N/A

Result (attach a copy of the court's opinion or order, if available): N/A UNKNOWN did not attend hearing due to rights being violated. J. Eric Nickols continues to secretly tamper and fabricate against applicant

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

Lame man at law and procedure

- (e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Two: HABEAS CORPUS, motions to Quash, Facial Attack Jurisdiction denied, WRIT OF MANDAMUS etc. throughout 2004 - Present

GROUND THREE: Double Jeopardy violation of 5th Amendment and Deprivation of Rights under color of Law; tampering w/Evidence, Grand Of Suprise False Delet Info

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

Supporting Facts Are Attached in Additional pages Titled Ground Three" total of 2 pages * NOT ENOUGH ROOM IN THIS AREA *

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(b) If you did not exhaust your state remedies on Ground Three, explain why: I am man to law
and procedures without effective counsel in favor

(c) **Direct Appeal of Ground Three:**

(1) If you appealed from the judgment of conviction, did you raise this issue? ☐ Yes ☒ No

(2) If you did not raise this issue in your direct appeal, explain why: I am man at law and
procedures, ineffective counsel in aim to hide motives to
continue depriving and violating rights of applicant

(d) **Post-Conviction Proceedings:**

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

☒ Yes ☐ No

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: 1107 WRIT OF HABEAS CORPUS PRO SE ^{see Attached} Additional Pages

Name and location of the court where the motion or petition was filed: Court of Criminal Appeals Texas
confirmed wrongful sentence(s) and granted Relief

Docket or case number (if you know): Ex Parte Donnie Earl Phillips Jr. cause no # ^{C-371-W012124-1108221}
^{C-371-W012125-1107265}

Date of the court's decision: 6-29-22 mandated 7-25-22

Result (attach a copy of the court's opinion or order, if available): see attachments - Relief
Granted - yet Re indicted unconstitutionally and still held against will
in malicious prosecution out of jurisdiction

(3) Did you receive a hearing on your motion or petition? ☐ Yes ☒ No

(4) Did you appeal from the denial of your motion or petition? ☐ Yes ☒ No

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal? ☐ Yes ☒ No

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: NA NOTE Blind sided by Attorney
working for state without my consent > Eric Nickols continues to violate and harm

Docket or case number (if you know): NA

Date of the court's decision: N/A

Result (attach a copy of the court's opinion or order, if available): unknown Attorney working
for state intentionally kept me from attending hearing, nor did
he have consent to represent me --- the WRIT was/is Pro Se...
this confirms illegal malicious prosecution in action and civil conspiracy

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(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

lame man at law and ineffective counsel

(e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you

have used to exhaust your state remedies on Ground Three: Habeas Corpus, WRIT OF mandamus, Subject Matter Attack on Jurisdiction at face denied, civil conspiracy awareness

GROUND FOUR: Actual innocence of 3rd OR MORE DWI felony repetition; Violation of Statute of Limitation, erroneously applied intentionally

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

Supporting Facts Are Attached in Additional Pages Titled "Ground Four" 1 page * NOTE NOTE ENOUGH SPACE IN THIS AREA *

(b) If you did not exhaust your state remedies on Ground Four, explain why:

lame man at law and procedures without effective counsel in favor

(c) **Direct Appeal of Ground Four:**

(1) If you appealed from the judgment of conviction, did you raise this issue?

☐ Yes☒ No

(2) If you did not raise this issue in your direct appeal, explain why:

lame man at law and procedures no proper assistance due to hidden motives of ill will and malice to harm continuously

(d) **Post-Conviction Proceedings:**

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

☒ Yes☐ No

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition:

11.07 WRIT OF HABEAS CORPUS PROSE^{see attached} Additional Pages

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Name and location of the court where the motion or petition was filed: Court of Criminal Appeals TXDocket or case number (if you know): confirmed wrongful sentence(s) granted Relief
Ex Parte Donnie Earl Phillips Jr. cause no# C-371-W012124-1168221
C-371-W012125-1167265Date of the court's decision: 6-29-22 mandated 7-25-22Result (attach a copy of the court's opinion or order, if available): See Attachments - Relief
granted - yet Re Indicted unconstitutionally with illegal instruments
(again), and still held against will in malicious prosecution att of jurisdiction(3) Did you receive a hearing on your motion or petition? ☐ Yes ☒ No(4) Did you appeal from the denial of your motion or petition? ☐ Yes ☒ No(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal? ☐ Yes ☒ No

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: NA NOTE: Hidden motives by
illegal Representation of Attorney working for state J. Eric NickolsDocket or case number (if you know): NADate of the court's decision: NAResult (attach a copy of the court's opinion or order, if available): unknown Attorney working for
state intentionally kept me from attending hearing, nor did he have consent
to represent me ... the WRIT was/is PRO SE ... this confirms illegal
malicious prosecution in tradition continuously and civil conspiracy to deprive
applicant

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

I am a man at law and in effective counsel in aim to continue
hiding Depriving the Rights under color of law(e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that youhave used to exhaust your state remedies on Ground Four: WRIT OF HABEAS, several
motions through illegal convicting court, and court of Appeals of TX,
civil suits pending, appeals on civil suits pending, WRIT OF
MANDAMUS, Face Attack Subject matter jurisdiction denied
multiple times and present, etc.....

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13. Please answer these additional questions about the petition you are filing:

- (a) Have all grounds for relief that you have raised in this petition been presented to the highest state court having jurisdiction? ☒ Yes ☐ No

If your answer is "No," state which grounds have not been so presented and give your reason(s) for not presenting them:

Court of Criminal Appeals Granted Relief and Collateral Consequence Relief

- (b) Is there any ground in this petition that has not been presented in some state or federal court? If so, which ground or grounds have not been presented, and state your reasons for not presenting them:

to the best of my knowledge everything has been presented in more than one way and words (I am man at law and denied effective assistance and proper Justice of Equality

14. Have you previously filed any type of petition, application, or motion in a federal court regarding the conviction that you challenge in this petition? ☒ Yes ☐ No

If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, the issues raised, the date of the court's decision, and the result for each petition, application, or motion filed. Attach a copy of any court opinion or order, if available.

United States District Court Northern District Fort Worth Division cause NO# 4:21-cv-1362-P, 4:22-cv-00622-P, 4:22-cv-00637-O. United States Court of Appeal fifth circuit NO-22-10767-USDC NO: 4:21-cv-1362-P - All pending the issues all mirror in reflection on its FACE VALUE Fundamental, Plain Clear, ERROR, Civil Conspiracy, Malicious Practice - Deprivation of Rights under color of Law and shining the light on no one state nor private being immune to the damages in all aspects done then and now to applicant

15. Do you have any petition or appeal now pending (filed and not decided yet) in any court, either state or federal, for the judgment you are challenging? ☒ Yes ☐ No

If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, and the issues raised.

U.S. Court of Appeal Fifth Circuit civil claim NO 22-10767, all issues reflect and are parallel see documents tampered, altered, forged, perjury, tainted, illegal sentences, etc. dating back since 2014

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16. Give the name and address, if you know, of each attorney who represented you in the following stages of the judgment you are challenging:

(a) At preliminary hearing: unknown

(b) At arraignment and plea: unknown

(c) At trial: unknown

(d) At sentencing: ²⁰⁰⁹ Patrick Curran, ²⁰¹¹ Steven King, ²⁰¹⁷⁻²⁰¹⁹ Eric Labovitz, ²⁰²⁰ Rob Come, ²⁰²⁰ Rob Hayden, ²⁰²⁰ Annham and Jones, ²⁰¹⁵ Richard Kline, ²⁰¹⁵ Lisa Pamplin, ²⁰⁰⁹ Mami Bush Johnson

(e) On appeal: Pro Se

(f) In any post-conviction proceeding: Pro Se

(g) On appeal from any ruling against you in a post-conviction proceeding: Pro Se

17. Do you have any future sentence to serve after you complete the sentence for the judgment that you are challenging? ☐ Yes ☒ No unknown

(a) If so, give name and location of court that imposed the other sentence you will serve in the future:

NA

(b) Give the date the other sentence was imposed: N/A

(c) Give the length of the other sentence: N/A

(d) Have you filed, or do you plan to file, any petition that challenges the judgment or sentence to be served in the future? ☒ Yes ☐ No

18. TIMELINESS OF PETITION: If your judgment of conviction became final over one year ago, you must explain why the one-year statute of limitations as contained in 28 U.S.C. § 2244(d) does not bar your petition.*

Post Conviction Malicious Prosecution, Subject matter Jurisdiction
Face attack Relief Granted 11.07 WRIT OF HABEAS CORPUS
pertaining to this particular situation there is no limitation
due to Deprivation of Rights Under color of Law Illegal sentences,
prosecutions, wrongful convictions, sentences... Evidence in Actual Legal

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Documents. Order of Expiration pending in reference to
this as well see attached

* The Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA") as contained in 28 U.S.C. § 2244(d) provides in part that:

- (1) A one-year period of limitation shall apply to an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court. The limitation period shall run from the latest of -
 - (A) the date on which the judgment became final by the conclusion of direct review or the expiration of the time for seeking such review;
 - (B) the date on which the impediment to filing an application created by State action in violation of the Constitution or laws of the United States is removed, if the applicant was prevented from filing by such state action;
 - (C) the date on which the constitutional right asserted was initially recognized by the Supreme Court, if the right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or
 - (D) the date on which the factual predicate of the claim or claims presented could have been discovered through the exercise of due diligence.

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- (2) The time during which a properly filed application for State post-conviction or other collateral review with respect to the pertinent judgment or claim is pending shall not be counted toward any period of limitation under this subsection.

Therefore, petitioner asks that the Court grant the following relief:

Immediate Collateral Consequences, Release, expunction of all charges indictments touching, related, linked in relationship, full monetary compensation in totality and All other Entitled by law Reliefs
or any other relief to which petitioner may be entitled.

*PRO SE Donnie Earl Phillips Jr. #0518336
100 N. Lamar
Ft. Worth, TX
76106*

Signature of Attorney (if any)

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct and that this Petition for Writ of Habeas Corpus was placed in the prison mailing system on 9/18/22 (month, date, year).

Executed (signed) on 9/18/22 (date).

Donnie Earl Phillips Jr.

Signature of Petitioner

If the person signing is not petitioner, state relationship to petitioner and explain why petitioner is not signing this petition.

N/A

43 for Ground One

GROUND ONE: Malicious Prosecution, Fabricated Fraudulent Indictment, illegal unlawful practice Actual Malice, Defect Indictment (1735446/1635835)
FACTS SUPPORTING GROUND ONE: Applicant was recently granted relief in prose WRIT OF HABEAS CORPUS cause nos. C-371-WO12124-1168221-A and C-371-WO12125-1167265-A under the grounds of 1.) Trial Court was in error of Jurisdiction, 2.) Actual Innocence of Driving while Intoxicated-felony repetition, 3.) Conspiracy theory of Judge, prosecutor, court appointed lawyer, clerks, etc, 4.) Ineligible charges/convictions applied multiple times to enhance illegally. It is on it's face illegal to knowingly act in Actual Malice to continue disregarding the rights of applicant by Re indictment/original allegation 1635835 was granted collateral consequences for relief. Fabricated and Fraudulent Indictment 1735446 2 1/2 yrs later using tainted and illegal instruments that were used in a wrongful imprisonment and illegal sentencing 0906761, 0930525 both used in 1168221, 1167265 and 1524914. Further more malice for purposes of a malicious prosecution- ill will, evil motives are at face value. Let it further more be known that Mollee Westfall, the judge whom illegally sentenced causing the wrongful imprisonment of 2 byr sentences from 2009-2015 in cause # 1168221 and cause # 1167265

2 of 3 For Ground One

GROUND ONE CONTINUATION.....

(both recently Habeas Corpus Relief Granted), is now said to be part of the District Attorney, Prosecutor and the "same court in 2009 "371" of Tarrant County, is the same exact court whom just illegally unconstitutionally Re-indicted 1635835 to 1735416 using all illegal and tainted instruments. J Eric Nickols is fully aware of the risk to harm and damage in result to applicant.... let it also be known that applicant has a civil claim on Tarrant County Judicial Beth (private and state entities), and it is unlawful, unconstitutional and an endangerment to applicant to be in Tarrant County Courts 372 (out of Jurisdiction) and Scott Wisen a defendant in civil claim, J. Eric Nickols too, is a defendant in civil claim and is not suppose to be representing applicant at all (civil conspiracy on its FACE VALUE), nor is it safe to be in Tarrant County Jail. This is a civil conspiracy, all have met in mind, came up with a common goal, to violate and harm intentionally. This is beyond a clerical error. An error only happens once and corrected then and there immediately, not covered and unlawfully utilized in multiple illegal sentences, ineligible enhancements, or Re-Indictments that are unconstitutional and on its face illegal and false fraudulent

3 of 3 For Ground One

GROUND ONE CONTINUATION.....

information, intentionally, Actually aware of the malice, traditional malice, to promote extreme risk to seriously injure and harm applicant as a result. Not a clerical error... it was acknowledged in 2014 (See Attached Documents of multiple Tampering and Illegal Malicious Practice) why am I being violated, Deprived of equality and treated with cruel and unusual punishment multiple times along with present allegation 1635835 which was granted relief due to the obvious and re indicted 1735446 with the "same" illegal instruments by the "same Court 371 jury/DA/Prosecutor/Judge" as I was during the wrongful imprisonment and illegal sentencing by Judge Mullee Westfall whom is said to be part of the D.A./Prosecutors/etc.? Immediate release is on it's FACE. I'm In FEAR OF MY LIFE

1 of 3 For Ground TWO

GROUND TWO: Ineligible instruments/charges/convictions applied multiple times illegally-Malice-Proximate Causation Damages

FACTS SUPPORTING GROUND TWO: The multiple ill-will, evil motives intentionally by two or more, meeting of the mind, with the goal of harm and Deprivation of Rights under color of Law of applicant being silenced by force intentionally, and damages occur and still are is on its face grounds alone for all indictments and all allegations, convictions/charges, ineligible enhancement paragraphs and the charging instruments being linked in relation by law is unlawful and all should be set aside unable to reuse due to them all being tainted by Proximate Causation Damages.. all indictments and charges 1168221 + 1167265 (Granted Relief Already), are related and linked to 1524914 (which has illegal instruments 0930525, 0906761, misused in combination therefore illegal/unlawful to use for future damages or at all), 11635835 was damaged in collateral consequences due to 0906761, 1167265 both illegal instruments, as well as them being linked to a detected false fraudulent fabricated, illegally intentional violation of Amendment 5 and depriving multiple other Rights under color of Law - 2 1/2 yrs later reindictment 1735446, nor are the

2 of 3 Foreground TWO

GROUND TWO CONTINUATION.....

charges utilized in any of the entrance paragraphs proper anymore - this is entirely an illegal improper, unconstitutional, illegal unlawful practice and prosecution.

Clear, Plain, Fundamental ERRORS - Am. Jur. 2d. Malicious

Prosecution of Legal Encyclopedias § 126 Proximate

Causation of Damages states to wit: A proximate

cause of damages is that which is in a natural and continuous sequence, produces the damages, and without which damages would not have occurred.

*It need not be the only cause/cause, nor the last, nor nearest cause. It is sufficient if it occurs with some other cause acting at the same time, which in combination with it causes damages.

Let the Record show the PRO SE WRIT ex parte Donnie Earl Phillips Jr. 1168221 and 1167265 was granted

Relief... these are all related as well as present violation of Rights Re Indictment. These are licensed

State Bar Professionals whom are under oath and study law.... this is no clerical error, but

the clerical are in error and have been for multiple ERAS of Deprivation of Rights under color of law. (

See Indictments). It was my motion that discovered this during out of Jurisdiction Facial Attack

subject matter jurisdiction where courts intentionally meant to harm as a result in 15249145 illegal

3 of 3 FOR GROUND TWO

GROUND TWO CONTINUATION

prosecution 12/14/17 to 4/8/19 were applicant was impaired intentionally while a nunc pro tunc without applicants knowledge, nor consent was initiated by court and lawyer illegally and in civil conspiracy (Fabricated documents, applicant did not sign nor thumb print 7-25-19 though documents have been falsified by the courts and attorney to portray such-please examine and investigate) in order to attempt to use the already void insufficient illegal instrument in malice to harm and convict applicant yet again illegally (out side of Statutorial range). These linked charges/convictions/allegations are all illegal, by due process of law actual correction (though intentional hidden and by-passed by Tarrant County Judicial) the indictment by law upon arrest was equal to 1st dwi allegation (a class C misdemeanor max range of punishment). Applicant is completely being violated multiple jeopardy, been on an unconstitutional bond probation, paid excessive lawyer Dunham and Jones whom extorted applicant, and applicant has been incarcerated approx 1yr on what is actually a class C-allegation/though now only remedy is dismissal due to the taint, this is cruel and unusual punishment in results that applicant in meritorious truth should be released with no charge, fully monetary compensated on it's FACE.

1 of 2 for Ground Three

GROUND THREE: Double Jeopardy violation of 5th Amendment and Deprivation of Rights under color of Law, Tampering with Evidence, Ground of Surprise False-Defect Information

FACTS SUPPORTING GROUND THREE: It is illegal, mal practice, unconstitutional to be twice put in jeopardy of limb, subjected the same offense, nor should applicant be deprived of life, liberty, or property, without due process of law, nor private property be taken without just compensation. This is not an equal prosecution, but a violation of Equality under the law and I should not be denied 'fair act' or abridged because of sex, race, color, or national origin, cruel and unusual punishment has been habitually, traditionally in malice practice inflicted. A person commits an offense if: knowingly makes a false entry or false alteration of, a government record, makes, presents or uses any record, document or thing with knowledge of its falsity and with intent that it be taken as a genuine governmental record. J. Eric Nickols and Tarrant County Judicial (private and state) are fully aware of this defect illegal Re Indictment #1735416 (Original 1635835) have conspired to harm as a result damage applicant on its face. This is far beyond a clerical error. This is a crime being committed by more than 5 individuals intentionally in aim to

2 of 2 For Ground Three

GROUND THREE CONTINUATION...

damage applicant in result on its FACE.* when multiple indictments are sought for the same act or acts, cause of action for malicious prosecution is evident. The 5 elements of civil conspiracy are FACE VALUE evident as well as the 7 elements of Malicious prosecution in co-relation. It is truly a shock to know that they continue with this illegal unconstitutional act religiously. Beyond a clerical error. Immediate Release and full monetary compensation should be appointed upon applicant on its FACE. There is a civil claim against these entities, J. Eric Nickols and I should not be in any form of counsel/client relation from the jump... that too confirms conspiracy he has not had consent to do anything nor represent me at the mandate hearing for a "ProSe" WRIT I filed? nor anything else see attachments exhibits and examine multiple documents tampered, fainted, fabricated illegally by the Tarrant County Judicial System both private and state... I did not sign nor thumb print, nor was I present on 7-25-19 for the illegally nunc protunc..... Font size and signature altered and forms, as well as other documents on its face dating back since 2004 0930525 should've never been used period. Tampering

1 of 1 For Ground FOUR

GROUND FOUR: Actual Innocence of 3rd or More
DWI felony Repetition - Statute of Limitation -
Erroneous Application

FACTS SUPPORTING GROUND FOUR: It was evident when 1635835 was granted for collateral relief due to illegal sentencing and wrongful imprisonment. It is on its face transparent applicant is innocent of Re Indictment #1735446. Cause #1524914 has been illegally applied and is initially null/void in multiple unlawful views, proximate causation damages, linked to same wrongful conviction causes that were "dismissed" due to same exact attempt. None of the information is lawful and it is illegal, unconstitutional clear and evident on its face a matter of Deprivation of Rights under color of law which is the reason for applicant to have civil claims in motion he aims to pursue as well as exposing Tarrant County Judicials malicious prosecutions, violations of due process, civil conspiracy and illegal practices. All charges are illegal and statute of limitation not only shows more illegal acts of state charges but they are all tainted state charges. Immediate release and full monetary compensation is only remedy to this fundamental error, and malicious practice, traditionally violating plainly in view of applicant.

M&P 08/11/22

By: KH

Expunction/Non-Disclosure Hearing Notice

For non-disclosure settings Petitioner should be prepared to present a proposed order to the court.

Model orders are available at:

<https://www.txcourts.gov/RULES-FORMS/ORDERS-OF-NONDISCLOSURE>

For expunction settings the State will prepare an order.

This setting will be held in the Magistrate Court in the basement of the Tim Curry Criminal Justice Building located at 401 W. Belknap St, Fort Worth, TX 76109.

TUESDAY, FEBRUARY 28, 2023 AT 2:00 P.M.

CAUSE

EX PARTE:

ATTORNEY/PRO SE:

NUMBER

D432-E-18939-22

DONNIE EARL PHILLIPS JR.

DONNIE EARL PHILLIPS JR.

100 N. Lamar

Fort Worth, Texas 76196

If an agreed order is reached prior to the setting, attendance is NOT required.

ATTORNEY FOR THE STATE:

Tim Gilpin

Office: 817-884-1400

TSGilpin@tarrantcountytx.gov

Aux. COURT COORDINATOR:

Kandace Barnett

Office: 817-884-1239

ccs--auxcc@tarrantcounty.com

ac



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NOS. WR-64,603-03 AND WR-64,603-04

EX PARTE DONNIE EARL PHILLIPS, JR., Applicant

ON APPLICATIONS FOR WRITS OF HABEAS CORPUS
CAUSE NOS. C-371-W012124-1168221-A AND C-371-W012125-1167265-A
IN THE 371ST DISTRICT COURT
FROM TARRANT COUNTY

Per curiam. YEARY, J., concurred.

OPINION

Applicant pleaded guilty to two charges of felony driving while intoxicated in exchange for sentences of six years' imprisonment in each case, to run concurrently. He did not appeal his convictions. Applicant filed these applications for writs of habeas corpus in the county of conviction, and the district clerk forwarded them to this Court. *See* TEX. CODE CRIM. PROC. art. 11.07.

Applicant contends, among other things, that he should not have been convicted and sentenced for felony offenses in both of these cases, because one of the prior convictions used as a jurisdictional prior in both cases was not in fact a conviction for driving while intoxicated, but rather

a conviction for driving while license suspended. Based on the record, it appears that at the time of these offenses, Applicant had only once previously been convicted of driving while intoxicated. Consequently, Applicant should not have received felony punishment for these two charges.

Relief is granted. *Ex parte Rich*, 194 S.W.3d 508 (Tex. Crim. App. 2006). The judgments in cause numbers 1168221W and 1167265D in the 371st District Court of Tarrant County are set aside, and Applicant is remanded to the custody of the Sheriff of Tarrant County to answer the charges as set out in the information and indictment. The trial court shall issue any necessary bench warrant within ten days from the date of this Court's mandate.

Copies of this opinion shall be sent to the Texas Department of Criminal Justice–Correctional Institutions Division and the Board of Pardons and Paroles.

Delivered: June 29, 2022
Do not publish

A clerical error happens, and is corrected immediately, not illegally multiple times to and damage as a result maliciously.

Document 1 Filed 09/27/22
YEARS OF
Deprivation of Rights
Under color of law

• Nunnally keep away • Civil conspiracy
• Malicious Practice • Traditional malice
• Tampering
• illegal

DIRECT REINDICTMENT of 1635835, *calculated consequences*

NAME DONNIE EARL PHILLIPS Jr
RACE Black SEX Male AGE 40 DOB 6/18/1981
CASE NO. 1735446
CID NO. 0518336

OFFENSE DRIVING WHILE INTOXICATED 3RD OR MORE IAT
OFFENSE DATE 3/13/2020 Habitual Felony
Offender
I.P. STATE OF TEXAS
AGENCY TARRANT CO CRIMINAL DISTRICT
ATTORNEY
372nd DISTRICT COURT

THE STATE OF TEXAS VS. DONNIE EARL PHILLIPS Jr

INDICTMENT NO: 1735446 R

Tampering
Fraudulent
Tainted
Fabricated
All illegal
intentional

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF TEXAS:

THE GRAND JURORS OF TARRANT COUNTY, TEXAS, DULY ELECTED, TRIED, EMPANELED, SWORN, AND CHARGED TO INQUIRE OF OFFENSES COMMITTED IN TARRANT COUNTY, IN THE STATE OF TEXAS, UPON THEIR OATHS, DO PRESENT IN AND TO THE 371st DISTRICT COURT, OF THE SAID COUNTY

THAT DONNIE EARL PHILLIPS Jr, HEREINAFTER CALLED DEFENDANT, ON OR ABOUT THE 13TH DAY OF MARCH 2020, IN THE COUNTY OF TARRANT, STATE OF TEXAS, DID THEN AND THERE OPERATE A MOTOR VEHICLE IN A PUBLIC PLACE WHILE THE SAID DEFENDANT WAS INTOXICATED,

FELONY REPETITION ENHANCEMENT: AND IT IS FURTHER PRESENTED IN AND TO SAID COURT THAT PRIOR TO THE COMMISSION OF THE AFORESAID OFFENSE BY THE SAID DEFENDANT, ON THE 20TH DAY OF MAY 2004, IN THE COUNTY CRIMINAL COURT NUMBER SIX OF TARRANT COUNTY, TEXAS, IN CAUSE NUMBER 0906761, THE SAID DEFENDANT WAS CONVICTED OF THE OFFENSE OF DRIVING WHILE INTOXICATED, AND ON THE 8TH DAY OF APRIL 2019, IN THE CRIMINAL DISTRICT COURT NO. 1 OF TARRANT COUNTY, TEXAS, IN CAUSE NUMBER 1524914D, THE SAID DEFENDANT WAS CONVICTED OF THE OFFENSE OF DRIVING WHILE INTOXICATED AND MISDEMEANOR REPETITION, AND SAID CONVICTIONS BECAME FINAL PRIOR TO THE COMMISSION OF THE AFORESAID OFFENSE,

Illegal, used in
wrongful imprisonment

illegal
enhancement
and varied charges

HABITUAL OFFENDER NOTICE: AND IT IS FURTHER PRESENTED TO SAID COURT THAT PRIOR TO THE COMMISSION OF THE OFFENSE OR OFFENSES SET OUT ABOVE, THE DEFENDANT WAS FINALLY CONVICTED OF THE FELONY OFFENSE OF POSSESSION WITH INTENT TO DELIVER A CONTROLLED SUBSTANCE OF ONE GRAM OR MORE, BUT LESS THAN FOUR GRAMS, NAMELY: HEROIN, IN THE CRIMINAL DISTRICT COURT NUMBER FOUR OF TARRANT COUNTY, TEXAS, IN CAUSE NUMBER 1408114D, ON THE 1ST DAY OF APRIL 2016, AND, THAT PRIOR TO THE COMMISSION OF THE OFFENSE OR OFFENSES FOR WHICH THE DEFENDANT WAS CONVICTED AS SET OUT ABOVE, THE DEFENDANT WAS FINALLY CONVICTED OF THE FELONY OFFENSE OF POSSESSION OF A CONTROLLED SUBSTANCE OF FOUR GRAMS OR MORE, BUT LESS THAN 200 GRAMS, NAMELY: COCAINE, IN THE CRIMINAL DISTRICT COURT NUMBER THREE OF TARRANT COUNTY, TEXAS, IN CAUSE NUMBER 1044666D, ON THE 10TH DAY OF MAY 2007,

SAME COURT
That
Illegal
Sentenced
me in 20
This is no
clerk's
error in
is on his F
unlawful
unconstitutional
illegal
I have multiple
civil claims
pending...
Fear for my
life here
please!

✓
DONNIE EARL PHILLIPS Jr
1735446
Page 2 of 2

AGAINST THE PEACE AND DIGNITY OF THE STATE.


Foreman of the Grand Jury

FILED
TARRANT COUN
6/16/22 4:55 PM
THOMAS A. WILLIAMS
DISTRICT CLERK
DMT

NAME DONNIE EARL PHILLIPS Jr

RACE Black SEX Male AGE 38 DOB 6/18/1981

CASE NO. 1635835

CID NO. 0518336

OFFENSE DRIVING WHILE INTOXICATED 3RD OR MORE

OFFENSE DATE 3/13/2020 Habitual Felony Offender

I.P. STATE OF TEXAS

AGENCY FORT WORTH PD

372nd DISTRICT COURT

THE STATE OF TEXAS VS. DONNIE EARL PHILLIPS Jr

INDICTMENT NO: 1635835 D

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF TEXAS:

THE GRAND JURORS OF TARRANT COUNTY, TEXAS, DULY ELECTED, TRIED, EMPANELED, SWORN, AND CHARGED TO INQUIRE OF OFFENSES COMMITTED IN TARRANT COUNTY, IN THE STATE OF TEXAS, UPON THEIR OATHS, DO PRESENT IN AND TO THE 432nd DISTRICT COURT, OF THE SAID COUNTY

THAT DONNIE EARL PHILLIPS Jr, HEREINAFTER CALLED DEFENDANT, ON OR ABOUT THE 13TH DAY OF MARCH 2020, IN THE COUNTY OF TARRANT, STATE OF TEXAS, DID THEN AND THERE OPERATE A MOTOR VEHICLE IN A PUBLIC PLACE WHILE THE SAID DEFENDANT WAS INTOXICATED,

FELONY REPETITION ENHANCEMENT: AND IT IS FURTHER PRESENTED IN AND TO SAID COURT THAT PRIOR TO THE COMMISSION OF THE AFORESAID OFFENSE BY THE SAID DEFENDANT, ON THE 20TH DAY OF MAY 2004, IN THE COUNTY CRIMINAL COURT NUMBER SIX OF TARRANT COUNTY, TEXAS, IN CAUSE NUMBER 0906761, THE SAID DEFENDANT WAS CONVICTED OF THE OFFENSE OF DRIVING WHILE INTOXICATED, AND ON THE 2ND DAY OF SEPTEMBER 2009, IN THE 371ST DISTRICT COURT OF TARRANT COUNTY, TEXAS, IN CAUSE NUMBER 1167265D, THE SAID DEFENDANT WAS CONVICTED OF THE OFFENSE OF DRIVING WHILE INTOXICATED, AND SAID CONVICTIONS BECAME FINAL PRIOR TO THE COMMISSION OF THE AFORESAID OFFENSE,

HABITUAL OFFENDER NOTICE: AND IT IS FURTHER PRESENTED TO SAID COURT THAT PRIOR TO THE COMMISSION OF THE OFFENSE OR OFFENSES SET OUT ABOVE, THE DEFENDANT WAS FINALLY CONVICTED OF THE FELONY OFFENSE OF POSSESSION WITH INTENT TO DELIVER A CONTROLLED SUBSTANCE OF ONE GRAM OR MORE, BUT LESS THAN FOUR GRAMS, NAMELY: HEROIN, IN THE CRIMINAL DISTRICT COURT NUMBER FOUR OF TARRANT COUNTY, TEXAS, IN CAUSE NUMBER 1408114D, ON THE 1ST DAY OF APRIL 2016, AND, THAT PRIOR TO THE COMMISSION OF THE OFFENSE OR OFFENSES FOR WHICH THE DEFENDANT WAS CONVICTED AS SET OUT ABOVE, THE DEFENDANT WAS FINALLY CONVICTED OF THE FELONY OFFENSE OF POSSESSION OF A CONTROLLED SUBSTANCE OF FOUR GRAMS OR MORE, BUT LESS THAN 200 GRAMS, NAMELY: COCAINE, IN THE CRIMINAL DISTRICT COURT NUMBER THREE OF TARRANT COUNTY, TEXAS, IN CAUSE NUMBER 1044666D, ON THE 10TH DAY OF MAY 2007,

ain suffering
ss of life, limb,
mental, emotional
structure

not law suit

4th time
utilized in
excessive meligible
chain of wrongful
enhancement elements
giving grounds to quasi
paragaph and vehement
as a whole - no filing
DATE - conspiracy
Threats
Dissemination
Practice use this

HABITUAL OFFENDER NOTICE: AND IT IS FURTHER PRESENTED TO SAID COURT THAT PRIOR TO THE COMMISSION OF THE OFFENSE OR OFFENSES SET OUT ABOVE, THE DEFENDANT WAS FINALLY CONVICTED OF THE FELONY OFFENSE OF POSSESSION OF A CONTROLLED SUBSTANCE OF FOUR GRAMS OR MORE BUT LESS THAN 200 GRAMS, NAMELY: COCAINE, IN THE CRIMINAL DISTRICT COURT NUMBER THREE OF TARRANT COUNTY, TEXAS, IN CAUSE NUMBER 1044666D, ON THE 10TH DAY OF MAY, 2007, AND, THAT PRIOR TO THE COMMISSION OF THE OFFENSE OR OFFENSES FOR WHICH THE DEFENDANT WAS CONVICTED AS SET OUT ABOVE, THE DEFENDANT WAS FINALLY CONVICTED OF THE FELONY OFFENSE OF THEFT- \$20,000 - \$100,000, IN THE 371ST DISTRICT COURT OF TARRANT COUNTY, TEXAS, IN CAUSE NUMBER 0946082W, ON THE 14TH DAY OF SEPTEMBER, 2004,

NAME DONNIE EARL PHILLIPS JR
CASE NO. 1167265
PAGE 2 of 2

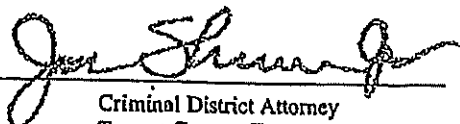
AGAINST THE PEACE AND DIGNITY OF THE STATE.

Filed (Clerk's use only)

FILED
THOMAS A WILDER, DIST. CLERK
TARRANT COUNTY, TEXAS

AUG 07 2009

TIME 3:00P
BY VS DEPUTY



Criminal District Attorney
Tarrant County, Texas
INDICTMENT - ORIGINAL



Foreman of the Grand Jury

NAME DONNIE EARL PHILLIPS JR

ADDRESS 1332 JEFFERSON ST

FORT WORTH TX 76104

RACE B SEX M AGE 28 DOB 6/18/1981

CASE NO. 1168221 DATE FILED 8/8/2009

CID NO. 0518336

OFFENSE DWI-FELONY REPETITION

DATE 8/6/2009

I.P. State of Texas

AGENCY Arlington PD

OFFENSE NO. 090053367

COURT 371st District Court

INFORMATION NO. 1168221 *W*

IN THE NAME AND BY AUTHORITY OF THE STATE OF TEXAS:

Comes now the undersigned Assistant Criminal District Attorney of Tarrant County, Texas, in behalf of the State of Texas, and presents in and to the

of Tarrant County, Texas that DONNIE EARL PHILLIPS JR, hereinafter called Defendant, in the County of Tarrant and State aforesaid, on or about the 6th day of August 2009, did

THEN AND THERE OPERATE A MOTOR VEHICLE IN A PUBLIC PLACE WHILE THE SAID DEFENDANT WAS INTOXICATED,

*Final
Conviction
Same as
1 DWI was
ineligible to be
advised due to
conviction*
DWI - FELONY REPETITION: AND IT IS FURTHER PRESENTED IN AND TO SAID COURT THAT PRIOR TO THE COMMISSION OF THE AFORESAID OFFENSE BY THE SAID DEFENDANT, ON THE 20TH DAY OF MAY, 2004, IN THE COUNTY CRIMINAL COURT NUMBER SIX OF TARRANT COUNTY, TEXAS, IN CAUSE NUMBER 0930525, THE SAID DEFENDANT WAS CONVICTED OF THE OFFENSE OF DRIVING WHILE INTOXICATED, AND ON THE 20TH DAY OF MAY, 2004, IN THE COUNTY CRIMINAL COURT NUMBER SIX OF TARRANT COUNTY, TEXAS, IN CAUSE NUMBER 0906761, THE SAID DEFENDANT WAS CONVICTED OF THE OFFENSE OF DRIVING WHILE INTOXICATED, AND SAID CONVICTIONS BECAME FINAL PRIOR TO THE COMMISSION OF THE AFORESAID OFFENSE,

HABITUAL OFFENDER NOTICE: AND IT IS FURTHER PRESENTED TO SAID COURT THAT PRIOR TO THE COMMISSION OF THE OFFENSE OR OFFENSES SET OUT ABOVE, THE DEFENDANT WAS FINALLY CONVICTED OF THE FELONY OFFENSE OF POSSESSION OF A CONTROLLED SUBSTANCE OF FOUR GRAMS OR MORE BUT LESS THAN 200 GRAMS, NAMELY: COCAINE, IN THE CRIMINAL DISTRICT COURT NUMBER THREE OF TARRANT COUNTY, TEXAS, IN CAUSE NUMBER 1044666D, ON THE 10TH DAY OF MAY, 2007, AND, THAT PRIOR TO THE COMMISSION OF THE OFFENSE OR OFFENSES FOR WHICH THE DEFENDANT WAS CONVICTED AS SET OUT ABOVE, THE DEFENDANT WAS FINALLY CONVICTED OF THE FELONY OFFENSE OF THEFT- \$20,000 - \$100,000, IN THE 371ST DISTRICT COURT OF TARRANT COUNTY, TEXAS, IN CAUSE NUMBER 0946082W, ON THE 14TH DAY OF SEPTEMBER, 2004,

NAME DONNIE EARL PHILLIPS Jr

RACE Black SEX Male AGE 36 DOB 6/18/1981

CASE NO. 1524914

CID NO. 0518336

OFFENSE DRIVING WHILE INTOXICATED 3RD OR MORE

OFFENSE DATE 12/14/2017 Habitual Felony Offender

I.P. STATE OF TEXAS

AGENCY FORT WORTH PD

CRIMINAL DISTRICT COURT NO. 1

THE STATE OF TEXAS VS. DONNIE EARL PHILLIPS Jr

INDICTMENT NO: 1524914

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF TEXAS:

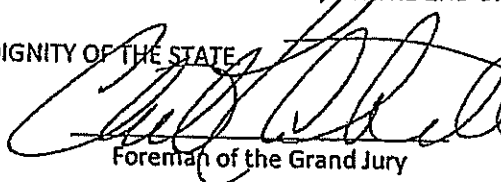
THE GRAND JURORS OF TARRANT COUNTY, TEXAS, DULY ELECTED, TRIED, EMPANELED, SWORN, AND CHARGED TO INQUIRE OF OFFENSES COMMITTED IN TARRANT COUNTY, IN THE STATE OF TEXAS, UPON THEIR OATHS, DO PRESENT IN AND TO THE CRIMINAL DISTRICT COURT NO. 2, OF THE SAID COUNTY

THAT DONNIE EARL PHILLIPS Jr, HEREINAFTER CALLED DEFENDANT, ON OR ABOUT THE 14TH DAY OF DECEMBER 2017, IN THE COUNTY OF TARRANT, STATE OF TEXAS, DID THEN AND THERE OPERATE A MOTOR VEHICLE IN A PUBLIC PLACE WHILE THE SAID DEFENDANT WAS INTOXICATED,

FELONY REPETITION ENHANCEMENT: AND IT IS FURTHER PRESENTED IN AND TO SAID COURT THAT PRIOR TO THE COMMISSION OF THE AFORESAID OFFENSE BY THE SAID DEFENDANT, ON THE 20TH DAY OF MAY 2004, IN THE COUNTY CRIMINAL COURT NUMBER SIX OF TARRANT COUNTY, TEXAS, IN CAUSE NUMBER 0930525, THE SAID DEFENDANT WAS CONVICTED OF THE OFFENSE OF DRIVING WHILE INTOXICATED, AND ON THE 20TH DAY OF MAY 2004, IN THE COUNTY CRIMINAL COURT NUMBER SIX OF TARRANT COUNTY, TEXAS, IN CAUSE NUMBER 0906761, THE SAID DEFENDANT WAS CONVICTED OF THE OFFENSE OF DRIVING WHILE INTOXICATED, AND SAID CONVICTIONS BECAME FINAL PRIOR TO THE COMMISSION OF THE AFORESAID OFFENSE,

HABITUAL OFFENDER NOTICE: AND IT IS FURTHER PRESENTED TO SAID COURT THAT PRIOR TO THE COMMISSION OF THE OFFENSE OR OFFENSES SET OUT ABOVE, THE DEFENDANT WAS FINALLY CONVICTED OF THE FELONY OFFENSE OF POSSESSION OF A CONTROLLED SUBSTANCE OF ONE GRAM OR MORE, BUT LESS THAN FOUR GRAMS, NAMELY: HEROIN, IN THE CRIMINAL DISTRICT COURT NUMBER FOUR OF TARRANT COUNTY, TEXAS, IN CAUSE NUMBER 1404928D, ON THE 1ST DAY OF APRIL 2016, AND, THAT PRIOR TO THE COMMISSION OF THE OFFENSE OR OFFENSES FOR WHICH THE DEFENDANT WAS CONVICTED AS SET OUT ABOVE, THE DEFENDANT WAS FINALLY CONVICTED OF THE FELONY OFFENSE OF DRIVING WHILE INTOXICATED AND FELONY REPETITION, IN THE 371ST DISTRICT COURT OF TARRANT COUNTY, TEXAS, IN CAUSE NUMBER 1168221W, ON THE 2ND DAY OF SEPTEMBER 2009,

AGAINST THE PEACE AND DIGNITY OF THE STATE


Foreman of the Grand Jury

FILED
THOMAS A WILDER, DIST. CLERK
TARRANT COUNTY, TEXAS

JAN 24 2018

TIME 3:25 PM
BY 1/3 DEPT

*Final
Conviction
= to 1st time
ineligibility to be
barricaded due to
conviction*

12/16/2004 90421

CRIMINAL DOCKET CCC6

Docket No. 0930525

Criminal Docket
CC#2

THE STATE OF TEXAS
VS.
Donnie Earl Jr Phillips
Cid: 0518336

Plaintiff:
Tim Curry
Defense:
Steven King

Charged Offense:
Driving While Intoxicated
Offense Date: 03/31/04
Disposed Offense:
Driving While Intoxicated

Date of
Orders

Orders of Court

04/29/2004 FILED

05/20/2004 Defendant Pled Guilty , Found Guilty. Assessed 60 Days Jail, Credit Time Served

\$150.00 Fine & \$331.00 Court Cost. Credit Time Served \$00.00, Attorney Fees \$00.00

Pay Monies At \$53.00 Per Month. First Payment Due 06/20/04, Final Payment Due 02/20/05

Ccw\0906761 , Drivers License Suspended 12 Months (05202004 - 05192005), Labor Detail For

Time One Day Each Week Beginning Week Of 05-24-04, Enhancement True

Judge's Signature:

Molly Jones



TRUE AND CORRECT COPY OF
ORIGINAL RECORD FILED IN
TARRANT COUNTY, TEXAS
MARY LOUISE NICHOLSON, COUNTY CLERK

Right Thumb Print

Defendant:
Signature:

Donnie Phillips



Attachment D

08/05/19

Page 1/1

12/16/2004 90421

CRIMINAL DOCKET CCC6

Docket No. 0930525

Criminal Docket
CCC #1

THE STATE OF TEXAS

VS.

Donnie Earl Jr Phillips

Plaintiff:

Tim Curry

Defense:

Steven King

Attorneys

Charged Offense:

Driving While Intoxicated

Offense Date: 03/31/04

Disposed Offense:

Driving While Intoxicated

Cid: 0518336

Date of
Orders

Orders of Court

04/29/2004 FILED

05/20/2004 Defendant Pled Guilty, Found Guilty. Assessed 60 Days Jail, Credit Time Served

\$150.00 Fine & \$331.00 Court Cost. Credit Time Served \$00.00, Attorney Fees \$00.00

Pay Monies At \$53.00 Per Month. First Payment Due 06/20/04, Final Payment Due 02/20/05

CCW\0906761, Drivers License Suspended 12 Months (05202004 - 05192005), Labor Detail For

Time One Day Each Week Beginning Week Of 05-24-04, Enhancement True

Judge's Signature:

Molly Jones

7:25 PM Nine PM Time order opened correcting the

minutes of the court. Disposed offense corrected

to driving while license suspended.

Right Thumb Print

Defendant
Signature

Don Phillips



TRUE AND CORRECT COPY OF

ORIGINAL RECORD FILED IN

TARRANT COUNTY, TEXAS

MARY LOUISE NICHOLSON, COUNTY CLERK

08/05/19

Attachment C

No. 0930525

THE STATE OF TEXAS § IN THE COUNTY
vs. §
DONNIE EARL PHILLIPS, JR § CRIMINAL COURT NO. 6
 §
 § TARRANT COUNTY, TEXAS

On this, the 25 day of July, 2019, came on to be heard
Agreed Motion to Correct Judgment *Nunc Pro Tunc*, and having considered said Motion,
the Court is of the opinion that said Motion is meritorious and should in all things be
granted.

IT IS THEREFORE ORDERED that the Clerk of this Court shall prepare an
Amended Judgment *Nunc Pro Tunc* and change the offense committed from Driving While
Intoxicated to Driving While License Suspended.

Signed this 25 day of July, 2019

JUDGE PRESIDING



TRUE AND CORRECT COPY OF
ORIGINAL RECORD FILED IN
TARRANT COUNTY, TEXAS
MARY LOUISE NICHOLSON, COUNTY CLERK

FILED

JUL 25 2019

COUNTY CLERK, TARRANT CO, TEXAS
BY H. J. 312 DEPUTY

Attachment E

CASE NO. 0930525

THE STATE OF TEXAS

VS.

DONNIE EARL JR PHILLIPS

†
†
†
†

COUNTY CRIMINAL COURT

NUMBER SIX

TARRANT COUNTY, TEXAS

JUDGMENT AND SENTENCE

On this day came on to be heard the above cause, and came the State of Texas by MYRA MCINTOSH, Assistant District Attorney, and came the Defendant, DONNIE EARL JR PHILLIPS, in person and by counsel, STEVEN KING, and both sides announced ready for trial.

The Defendant having been duly arraigned, waived trial by jury, pleaded GUILTY to the information herein, and submitted this cause to the Court. The information being read, the Court received the Defendant's plea thereto, and having heard the evidence submitted thereon, if any, adjudged the Defendant guilty as charged of the offense of DRIVING WHILE INTOXICATED a class B misdemeanor, and that the Defendant committed the offense on 03/31/04, and assessed his punishment at a fine of \$ 150.00 and 60 days confinement in the Tarrant County Jail, together with all costs in this behalf incurred (according to the terms of the plea bargain). And the Defendant being asked by the court if he had any sufficient reason why the sentence of the Court should not be pronounced against him failed to give such reason; whereupon the Court proceeded in the presence of the Defendant to pronounce sentence against him as follows:

It is therefore ordered, adjudged and decreed by the Court that the Defendant is guilty of the offense of DRIVING WHILE INTOXICATED and is hereby sentenced to a fine of \$ 150.00 and 60 days confinement in the Tarrant County Jail, and that the State of Texas do have and recover of the said Defendant all costs of this prosecution for which let execution issue. Defendant is remanded to the custody of the Sheriff of Tarrant County, Texas to serve said sentence. Defendant is given credit on his sentence for the time he has spent in jail in this cause from the time of his arrest and confinement until date of sentence.

Entered this 20th day of May, 2004

FILED

May 20, 2004 12:01 PM

SUZANNE HENDERSON
COUNTY CLERK, TARRANT CO., TEXAS

BY: Deputy

Right thumb print



JUDGE PRESIDING

TRUE AND CORRECT COPY OF
ORIGINAL RECORD FILED IN
TARRANT COUNTY, TEXAS
MARY LOUISE NICHOLSON, COUNTY CLERK

12/16/2004 90423

Transfer Court:

CRIMINAL DOCKET CCC6

Docket No. 0930525
TRN: 0056318502

TRS: A001

THE STATE OF TEXAS VS. Donnie Earl Jr Phillips True Name:		Plaintiff: Tim Curry Defense:	Attorneys	Charged Offense: Driving While Intoxicated Offense Date: 03/31/2004 Disposed Offense:
Date of Orders	Orders of Court			
04/29/2004	FILED			
5/20/04	the plea matter			
9/30/04	Defendant failed to complete labor details for time, COT warrant issued in custody of Donnie Earl Jr Phillips			
9/30/04	Defendant in custody for time. Defendant failed to pay money as ordered. Defendant arrested to include time + money.			
Defendant Signature:				Right Thumb Print

TRUE AND CORRECT COPY OF
 ORIGINAL RECORD FILED IN
 TARRANT COUNTY, TEXAS
 MARY LOUISE NICHOLSON, COUNTY CLERK

Attachment F

THE STATE OF TEXAS

CAUSE NO.

0930523

COUNTY CRIMINAL COURT

NUMBER SIX

TARRANT COUNTY, TEXAS

VS.

Donnie Earl Phillips, JR.

**WAIVER OF JURY TRIAL - WAIVER OF TEN DAYS TO PREPARE FOR TRIAL
COURT'S ADMONISHMENT- WAIVER OF PRE-SENTENCE REPORT AND PLEA AGREEMENT**

Comes now the Defendant, joined by his attorney and the Attorney for the State in the above-styled and numbered cause, waives his right to trial by jury and to confront his accusers, and if applicable, waives the ten days allowed him to prepare for trial. The Defendant and the State hereby enter an announcement of ready in this cause. The State waives its right to trial by jury.

The plea recommendation set forth below is agreed to by the Defendant, his attorney and the State's attorney, as evidenced by their respective signatures below. The Defendant understands that if he pleads guilty or nolo contendere and the punishment assessed by the Court does not exceed the punishment recommended, an appeal herein may only be prosecuted with the permission of the trial court. All written motions on file are hereby waived.

The Defendant acknowledges that he is aware of the full range of punishment provided by law for this offense as set forth below. The Defendant and his attorney state to the Court that there are no charged offenses arising out of the course of conduct which resulted in this prosecution still pending in a court of record.

If the plea recommendation is for deferred adjudication probation, the Defendant is hereby informed that on violation of a condition of probation the Defendant may be arrested and detained. The Defendant is entitled to a hearing limited to the determination by the Court of whether it proceeds with an adjudication of guilt on the original charge. No appeal may be taken from this determination. After an adjudication of guilt, all proceedings, including assessment of punishment, pronouncement of sentence, granting of probation, and Defendant's appeal continue as if the adjudication of guilt had not been deferred. The Court may assess punishment anywhere within the range provided by law for this offense.

The Defendant waives a pre-sentence report and his right to have an alcohol evaluation performed prior to sentencing.

IMMIGRATION WARNING: The Defendant acknowledges that if the Defendant is not a citizen of the United States of America, a plea of guilty or nolo contendere for the offense charged may result in deportation, the exclusion from admission to this country, or the denial of naturalization under federal law. Do you, defendant, understand? Yes ___ No ___

Have you ever been convicted of a felony in any court in this State, any other state, or any federal court in the United States? Yes ___ No ___

If this is a DWI case, was there a vehicle accident? Yes ___ No ___
If yes, did any person (Defendant included) sustain injury? Yes ___ No ___

PLEA RECOMMENDATION <input checked="" type="checkbox"/>				OPEN PLEA TO COURT <input type="checkbox"/>			
ENHANCED? <input checked="" type="checkbox"/>	ENHANCEMENT WAIVED: <input type="checkbox"/>			WAIVE COUNTS: _____			
LESSER INCLUDED: <input type="checkbox"/>				REDUCED OFFENSE: <input type="checkbox"/>			
OFFENSE CHARGED: <u>DWLS</u>				CLASS: <u>B</u>			
RANGE OF PUNISHMENT: <u>30-180 DAYS, 0-2000</u>							
AGREED RECOMMENDATION:							
FINE	<u>150</u>	+ CC	PROB	DEAJ	MISD	<u>60</u>	Days Jail
ACC	<input type="checkbox"/>	DEARS	<input type="checkbox"/>	DVIP	<input type="checkbox"/>	FAM 1st	<input type="checkbox"/>
ABC	<input type="checkbox"/>	DESTROY WPN	<input type="checkbox"/>	DWIED	<input type="checkbox"/>	GED/HS	<input type="checkbox"/>
DIP	<input type="checkbox"/>	DL SUSP	<u>1yr</u>	DWI REP	<input type="checkbox"/>	HIV TEST	<input type="checkbox"/>
CS HRS	<input type="checkbox"/>	DOEP	<input type="checkbox"/>	DWI WV	<input type="checkbox"/>	INT/COOL	<input type="checkbox"/>
				JETS	<input type="checkbox"/>	RUA'S	<input type="checkbox"/>
				LBOT OK	<input checked="" type="checkbox"/>	SAB	<input type="checkbox"/>
				PAGE	<input type="checkbox"/>	SATP	<input type="checkbox"/>
				PF OK	<input type="checkbox"/>	SS	<input type="checkbox"/>
				WKRL OK <input type="checkbox"/>			

DEFENDANT Don Phillips
DATE 5/20/04

FILED

MAY 20 2004

COUNTY CLERK, TARRANT CO., TEXAS

BY [Signature] Deputy

FOR COURT USE ONLY

DEFENDANT'S ATTORNEY [Signature]STATE'S ATTORNEY [Signature]

PLEA-BARGAIN FOLLOWED: YES ___ NO ___
WAIVER OF PRE-SENTENCE REPORT APPROVED: YES ___ NO ___
WAIVER OF ALCOHOL EVALUATION APPROVED: YES ___ NO ___
COURT ADMONISHED DEFENDANT ON RANGE OF PUNISHMENT: YES ___ NO ___
ADMONISHED AS TO POSSIBLE DEPORTATION IF NOT A CITIZEN: YES ___ NO ___

TRIAL COURT'S CERTIFICATION OF DEFENDANT'S RIGHT OF APPEAL
I, Judge of the trial court, certify this criminal case is a plea-bargain and the defendant has waived right of appeal; or the defendant has waived right of appeal.

Judge Signature [Signature]Date 5/20/04

FILED

DATE:

SUZANNE HENDERSON
COUNTY CLERK, TARRANT CO., TX

By:

Deputy



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TARRANT COUNTY, TEXAS
MARY LOUISE NICHOLSON, COUNTY CLERK

12/16/2004 90426

Attachment G

DEFENDANT'S INFORMATION FORM

Filing Agency Name FWPD Filing Agency Code 12Defendant Phillips, Donnie E CID# _____Sex M Race B SSN ~~123456~~-8398 DOB 6-18-81Home Address 3412 Reed St Phone _____

Charged Offense	Level of Offense	Date of Offense	Case #
<u>Driving while Lic Susp</u>	<u>M</u>	<u>03-31-04</u>	<u>04036866</u>
<u>local warrants</u>	<u>C</u>	<u>03-31-04</u>	<u>" "</u>



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Defendant's primary language, if other than English _____

Defendant's special circumstances _____

Bondsman _____ Phone _____

Co-defendant _____ CID # _____

Sex _____ Race _____ SSN _____ DOB _____

Co-defendant _____ CID # _____

Sex _____ Race _____ SSN _____ DOB _____

09/30/25
#6
12/16/2004 90478

FILED
TARRANT COUNTY, TEXAS
2004 APR 29 10 3:51
JANIE HENDRICKSON
COUNTY CLERK

Attachment H

NAME DONNIE EARL PHILLIPS JR

ADDRESS 3412 REED ST

FORT WORTH TX 76119

RACE B SEX M AGE 22 DOB 06-18-81

CASE NO. 0930525 FILED DATE 04-29-04
PC HAS BEEN DETERMINED
0518336

OFFENSE DRIVING WHILE INTOXICATED

DATE 03-31-04

LP

CC

AGENCY FORT WORTH PD

OFFENSE NO. 04036866 COURT CC 0429

IN THE NAME AND BY AUTHORITY OF THE STATE OF TEXAS:

Comes now the undersigned Assistant District Attorney of Tarrant County, Texas, in behalf of the State of Texas, and presents in and to the County Criminal Court No. _____ Tarrant County, Texas that

DONNIE EARL PHILLIPS JR hereinafter called Defendant, in the County of Tarrant and State aforesaid, on or about the 31st day of MARCH, 2004 did HERETOFORE THEN AND THERE DRIVE AND OPERATE A MOTOR VEHICLE UPON A PUBLIC ROAD AND HIGHWAY WHILE HIS TEXAS DRIVER'S LICENSE NUMBER, 07702018, WAS SUSPENDED PURSUANT TO AN ADMINISTRATIVE ORDER OF THE TEXAS DEPARTMENT OF PUBLIC SAFETY ON THE NOVEMBER 5, 2003, UNDER TEXAS TRANSPORTATION CODE ANNOTATED SECTION 724.035 OR SECTION 724.046.

ENHANCEMENT PARAGRAPH: AND IT IS FURTHER PRESENTED IN AND TO SAID COURT THAT PRIOR TO THE COMMISSION OF THE AFORESAID OFFENSE BY THE SAID DEFENDANT, ON THE 20TH DAY OF SEPTEMBER, 2001, IN COUNTY CRIMINAL COURT NUMBER FOUR, OF TARRANT COUNTY, TEXAS, IN CAUSE NUMBER 0808805, THE SAID DEFENDANT WAS CONVICTED OF A MISDEMEANOR, TO-WIT: EVADING ARREST-VEHICLE, AND SAID CONVICTION BECAME FINAL PRIOR TO THE COMMISSION OF THE AFORESAID OFFENSE.



TRUE AND CORRECT COPY OF
ORIGINAL RECORD FILED IN
TARRANT COUNTY TEXAS
MARY LOUISE NICHOLSON, COUNTY CLERK

AGAINST THE PEACE AND DIGNITY OF THE STATE

MISDEMEANOR INFORMATION

Assistant District Attorney for
Tarrant County, Texas

VERIFICATION OF UNSWORN DECLARATION

I, Donnie Earl Phillips Jr., Defendant pro se in this cause,
state the following under penalty of perjury: I am a prisoner, # 0518336
currently incarcerated in the Tarrant County Jail in Tarrant County, Texas. I am duly
qualified and authorized in all respects to make this declaration. I have read the
foregoing 2254 for writ of HABEAS CORPUS
and declare that I have personal knowledge of the facts contained therein and said facts
are true and correct.

EXECUTED in Tarrant County, Texas, pursuant to Art. 132.001 et seq. Texas
C.P.R.C. and 28 USC 1746, on this 18 day of September 20 22.

Donnie Earl Phillips Jr.
Defendant Signature

Donnie Earl Phillips Jr.
Defendant pro se Printed Name

0518336

CID #

06/18/1981

DOB

Address: 100 N. Lamar
Ft. Worth, TX 76196

*Under both federal law (28 USC 1746) and state law (Art. 132.001, Texas CPRC)
inmates incarcerated in Texas may use a unsworn declaration under penalty
of perjury in place of a written declaration sworn before a notary public.

CERTIFICATE OF SERVICE

I, Donnie Earl Phillips Jr., HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE
FOREGOING 2254 for WRIT OF HABEAS CORPUS

(DESCRIBE DOCUMENT HERE, E.G., BRIEF, MOTION, POWER OF ATTORNEY, ETC) WAS SERVED BY
UNITED STATES MAIL, POSTAGE PREPAID, ADDRESSED AS FOLLOWS:

501 W. 10th St. Ste 310
Ft. Worth, TX 76102

(PERSON BEING SERVED AND THE ADDRESS)



(SIGNATURE OF PERSON MAKING THE CERTIFICATION)

Donnie Earl Phillips Jr.

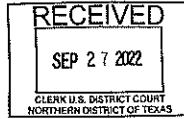
(PRINT NAME OF PERSON MAKING THE CERTIFICATION)

CID 0518336 DOB 06/18/1981

100 NORTH LAMAR ST.

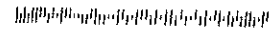
FORT WORTH, TEXAS 76196

Mr. Donnie Earl Phillips Jr. #0518336
100 N. Lamar
Ft. Worth, TX 76196



Legal Mail
Clerk of the U.S. District Court
501 W. Tenth St., Rm. 310
Fort Worth, TX 76102

Legal Mail



Tarrant County Green Bay Law Library

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